

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROMEO and BELEN PINZON,
Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,
Defendants.

NO. C10-00328 TEH

ORDER SETTING
DEADLINE FOR
OPPOSITION TO MOTION
TO DISMISS

The Court is in receipt of the second motion to dismiss filed by Defendant J.P. Morgan Chase Bank, N.A. ("JPMorgan") on June 14, 2010, and noticed for hearing on July 26, 2010. This action was dismissed without prejudice in an order dated May 4, 2010, after counsel for Plaintiffs Romeo and Belen Pinzon ("Plaintiffs") conceded that their complaint was insufficient to withstand motions to dismiss filed by JPMorgan and Defendants CTX Mortgage Company, LLC and Centex Homes. The Court had granted Plaintiffs until June 3, 2010, to file an amended complaint. Plaintiffs failed to do so by that deadline, and Plaintiffs' counsel never responded to a phone message left by the courtroom deputy on June 4, 2010. To date, Plaintiffs have not filed an amended complaint.

In its second motion to dismiss, JPMorgan asks this Court to dismiss this action with prejudice based on Plaintiffs' failure to file an amended complaint. IT IS HEREBY ORDERED THAT Plaintiffs' opposition or statement of non-opposition to the motion shall be filed no later than **Monday, June 28, 2010**. If no opposition is filed by that date, this matter shall be dismissed with prejudice.

IT IS SO ORDERED.

Dated: 6/15/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT